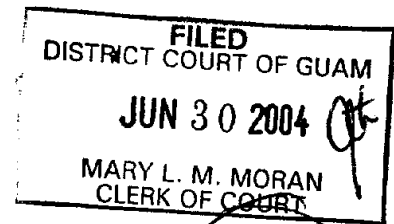


JOAQUIN C. ARRIOLA
ANITA P. ARRIOLA
ARRIOLA, COWAN & ARRIOLA
259 Martyr Street, Suite 201
Hagåtña, Guam 96910
Telephone: (671) 477-9730/33
Telecopier: (671-) 477-9734



Counsel for Plaintiffs Alan Sadhwani, et al.

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU)
SADHWANI, and K. SADHWANI'S)
INC., a Guam corporation,)
)
Plaintiffs,)
vs.)
)
HONGKONG SHANGHAI BANKING)
CORPORATION, LTD, a foreign)
corporation, JOHN DOE I through JOHN)
DOE X,)
)
Defendants.)

CIVIL CASE NO. 03-00036

**PLAINTIFFS' OBJECTIONS TO
PROPOSED LETTER OF
REQUEST FOR THE DEPOSITION
OF MR. HARESH MUKHI**

Plaintiffs object to defendant's Proposed Letter of Request for the Deposition of Mr. Haresh Mukhi. Plaintiffs requested that HSBC insert a provision that plaintiffs' counsel be allowed to attend and participate in the deposition by telephone, in order to avoid tremendous costs associated with travelling to Dubai. HSBC's counsel agreed.

Plaintiffs also requested that HSBC agree to a provision that whatever documents are produced by Mr. Mukhi in response to the order to produce documents (Exhibit 1 to the Letter of Request) be faxed to plaintiffs' counsel prior to the deposition so that plaintiffs' counsel is allowed the opportunity to review such documents and cross-examine the witness on the documents. Specifically, plaintiffs requested that HSBC's counsel insert the following sentence after the last full paragraph on page 4:

ORIGINAL

If the agents of Plaintiffs or Defendant participate in the examination of the witness by telephone, such agents shall be provided by facsimile copies of any documents produced by the witness in response to Exhibit 1 prior to the examination.

The above is an ordinary and reasonable request. Either prior to being sworn to testify or immediately thereafter, HSBC's counsel can recess the deposition for a few minutes to fax the documents to plaintiffs' counsel from the U.S. Consulate's office in Dubai to plaintiffs' counsel's office in Guam. See Plaintiffs' proposed revisions to the Letter of Request in the attached Exhibit A. HSBC's counsel refused to insert that provision. See attached Exhibit B. The undersigned counsel has previously provided documents by fax to opposing counsel in depositions where she has participated telephonically. It is unreasonable to refuse to provide plaintiffs' counsel with such documents when there will be little or no inconvenience to HSBC or to the witness and plaintiffs' counsel will be at a disadvantage in being unable to cross-examine adequately the witness.

For all of the foregoing reasons, plaintiffs respectfully request that the Court issue the proposed Letter of Request as revised by plaintiffs.

Dated this 30th day of June, 2004.

ARRIOLA, COWAN & ARRIOLA
Attorney for Plaintiffs

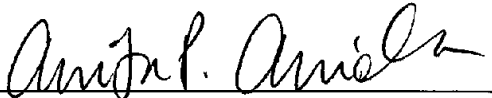
By: Anita P. Arriola
ANITA P. ARRIOLA

CERTIFICATE OF SERVICE

I, ANITA P. ARRIOLA, hereby certify that on June 30, 2004, I caused to be served via hand delivery, **PLAINTIFFS' OBJECTIONS TO PROPOSED LETTER OF REQUEST FOR THE DEPOSITION OF MR. HARESH MUKHI** to:

Jacques G. Bronze, Esq.
Bronze & Tang, P.C.
2nd Floor, BankPacific Building
825 S. Marine Drive
Tamuning, Guam 96913

Dated this 30th day of June, 2004.


ANITA P. ARRIOLA

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

LAW OFFICES
BRONZE & TANG
 A PROFESSIONAL CORPORATION
 BANKPACIFIC BUILDING, 2ND FLOOR
 825 SOUTH MARINE CORP DRIVE
 TAMPUNG, GUAM 96913

TELEPHONE No.: (671) 644-2001

FACSIMILE No.: (671) 647-7671

~ ~ **FACSIMILE TRANSMITTAL SHEET** ~ ~

Date: June 30, 2004

To: Anita P. Arriola, Esq.

Firm: ARRIOLA, COWAN & ARRIOLA

Fax No: 477-9734

From: Jacques G. Bronze, Esq.

Subject: Sadhvani, et al. v. HSBC, et al.; Civil Case No. 03-00036Sending 16 page(s) including cover sheet.

[X] Original will not follow

[] Original will follow by:

Regular Mail: _____ Other: _____

MESSAGE:**PLEASE SEE ATTACHED DOCUMENT(S) IN CONNECTION WITH THE ABOVE-REFERENCED MATTER:**

Per your request, transmitted is a draft copy of the Letters of Request for Taking the Deposition and Production of Documents of Haresh Mukhi in the United Arab Emirates for your revision. Please provide me with your revisions no later than 1:30 p.m. this afternoon. Thank you.

Fax Sent By: Tony Camacho

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE AND THE DOCUMENTS WHICH ACCOMPANY IT ARE CONFIDENTIAL COMMUNICATIONS SUBJECT TO THE ATTORNEY-CLIENT WORK PRODUCT PRIVILEGES. They are intended exclusively for the use of the addressee named above. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication or the accompanying document is strictly prohibited. If you have received this communication in error, please immediately notify the Law Offices of Bronze & Tang, P.C. by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.



LAW OFFICES OF BRONZE & TANG

A Professional Corporation
BankPacific Building, 2nd Floor
825 South Marine Corp Drive
Tamuning, Guam 96913
Telephone No.: (671) 646-2001
Facsimile No.: (671) 647-7671

DRAFT

Attorneys for Defendant The Hongkong and Shanghai Banking Corporation Ltd.

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU
SADHWANI, and K. SADHWANI'S
INC., a Guam corporation,

Plaintiffs,

v.

HONGKONG AND SHANGHAI
BANKING CORPORATION, LTD.,
et al.,

Defendants.

CIVIL CASE NO. 03-00036

LETTERS OF REQUEST FOR
TAKING THE DEPOSITION AND
PRODUCTION OF DOCUMENTS
OF HARESH MUKHI IN THE
UNITED ARAB EMIRATES

TO: THE APPROPRIATE JUDICIAL AUTHORITY OF THE UNITED ARAB
EMIRATES, THROUGH THE UNITED STATES DEPARTMENT OF STATE,
WASHINGTON, D.C.

I, Federal Magistrate Judge of the United States District Court of Guam, respectfully
request the assistance of your court with regard to the following matters.

Whereas, a civil proceeding is now pending in the United States District Court of Guam
between certain plaintiffs and defendant.

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And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the questions in dispute between the parties in the proceeding that certain persons should be examined as witnesses upon oath. It appears that such witness is a resident within your jurisdiction.

Now I, a federal judge of the United States District Court of Guam, hereby issue this Letter of Request for judicial assistance, in accordance with FRCP 28(b), on the taking of depositions in civil matters, as follows:

1. A claim is now pending in the United States District Court of Guam as follows:
Alan Sadhwani, Laju Sadhwani, K. Sadhwani's, Inc. v. Hongkong and Shanghai Banking Corporation, Ltd., John Doe I through John Doe X, Civil Case No. 03-00036 (U.S. District Court of Guam).

2. The names of the parties to the proceedings, and their representatives, are as follows:

A. Plaintiffs Alan Sadhwani, Laju Sadhwani, and K. Sadhwani's, Inc.

Attorneys: Joaquin C. Arriola
Anita P. Arriola
ARRIOLA, COWAN & ARRIOLA
259 Martyr Street, Suite 201
Hagåtña, Guam 96910
Telephone No.: (671) 477-9730
Facsimile No.: (671) 477-9734

B. Defendant Hongkong and Shanghai Banking Corporation, Ltd.

Attorneys: Jacques G. Bronze
LAW OFFICES OF BRONZE & TANG
BankPacific Building, 2nd Floor
825 South Marine Corp Drive
Tamuning, Guam 96913
Telephone No.: (671) 646-2001
Facsimile No.: (671) 647-7671

8-30-04; 11:23AM; BAONLE 771125 LHM

Abdul Wahid Al Ulama
AL TAMIMI & COMPANY
Dubai World Trade Centre, 29th Floor
P. O. Box 9275
Dubai, United Arab Emirates
Telephone No.: (9714) 3317090
Facsimile No.: (9714) 3313177

3. The nature of the proceedings for which the evidence is required and all necessary information in regard to the proceedings are as follows:

Plaintiffs Alan Sadhwani, Laju Sadhwani and K. Sadhwani's, Inc. (collectively "Plaintiffs") filed a Second Amended Complaint alleging that HSBC breached its duty of good faith and fair dealing; breached the loan workout agreement; breached the Promissory Note Modification Agreement; committed intentional misrepresentation; breached its fiduciary duty; and breached its duty not to divulge Plaintiffs' confidential banking information. Plaintiffs seek compensatory and punitive damages.

This proceeding is scheduled for trial beginning on October 19, 2004 in the United States District Court of Guam. The discovery deadline (the date for completion of all discovery, including depositions) in the case has been extended to August 17, 2004, pursuant to an order of Court. The evidence sought herein is essential to the trial in this proceeding, is intended to be given at trial, and will be admissible at trial.

4. It is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties that you cause the following witness, who is a resident within your jurisdiction, to be examined and documents be produced. The name and address of the witness is as follows:

A. Mr. Haresh Mukhi
Mayura Khamas Stores L.L.C.
Murshid Bazar
Beira, Dubai, UAE

- 3 -

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5. The documents, which the witness should produce at the deposition, is as shown on Exhibit "1" attached and incorporated by reference herein. The subject matter about which the witness is to be examined is as follows:

A. Mr. Haresh Mukhi ~ Mr. Mukhi is an employee or owner of Mayura Khamas Stores, L.L.C.. He has been identified by Plaintiffs as a witness in their Responses and Objections to Defendant's First Set of Interrogatories. Mr. Mukhi is known or believed to have substantial relevant discoverable information. He will be examined on, and amongst other matters, his or his company(s) involvement and knowledge of any negotiations and/or agreements relating to any purported financing of Plaintiffs relating to their loan with HSBC.

Now I, a Magistrate Judge of the United States District Court of Guam hereby request that for the reasons aforesaid and for the assistance of the said Court to serve and/or summon Mr. Haresh Mukhi to produce the list of documents attached as Exhibit "1" and attend at such time and place as you appoint before any notarizing officer of the United States of America in Dubai, U.A.E., or such other person as according to your procedure is competent to take the examination of witnesses, and that such witness to be examined orally and by tape recording or video recording, in the presence of the agents of the Plaintiffs and Defendant or such of them as attend the examination ^{in person or by telephone} on due notice given.

And I further request that you will permit the agents of both Plaintiffs and Defendant or such of them as are present ^{in person or by telephone} to examine orally upon the subject matter thereof arising out of the answers thereto, said witness as is, after due notice in writing, produced on their behalf, and the other party to cross-examine the said witness orally and the party producing the witness for examination to re-examine him orally. ^{by facsimile} If the agents of Plaintiffs or Defendants participate ~~by tele~~ in the examination of the witness by telephone, such agents shall be provided copies of any documents produced by the witness in response to Exhibit 1 prior to the examination.

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And I further request that the notarizing officer of the United States of America in Dubai, U.A.E. or you, will cause the evidence of said witness Mr. Haresh Mukhi to be reduced into writing, and all books, documents and things produced on such examination to be duly marked for identification, and that the notarizing officer of the United States of America in Dubai, U.A.E. or you will be further pleased to authenticate such examination by the seal of your Court in such other way as is in accordance with your procedure and to return it together with a note of the charges and expenses payable in respect of the execution of this request through the Defendant from whom the same was received for transmission to the United States District Court of Guam and to return the written evidence and documents produced to me addressed as follows:

United States District Court of Guam
4th Floor, U.S. Courthouse
520 West Soledad Avenue
Hagåtña, Guam 96910

And I further request that you will cause the agents of the parties at the addresses stated above, or in default will cause me, to be informed of the date and place where the examination is to take place.

DATED: _____

JOAQUIN V.E. MANIBUSAN, JR.
Magistrate Judge, District Court of Guam

Presented By:

LAW OFFICES OF BRONZE & TANG

DRAFT

By: _____
JACQUES G. BRONZE
Attorneys for Defendant HSBC

CERTIFICATE OF SERVICE

I, **JACQUES G. BRONZE**, hereby certify that on June 30, 2004, I caused to be served via hand delivery, copy of the **LETTERS OF REQUEST FOR TAKING THE DEPOSITION AND PRODUCTION OF DOCUMENTS OF HARESH MUKHI IN THE UNITED ARAB EMIRATES** to:

Joaquin C. Arriola
Anita P. Arriola
ARRIOLA, COWAN & ARRIOLA
259 Martyr Street, Suite 201
Hagåtña, Guam 96910

Attorneys for Plaintiffs

DATED: June 30, 2004.

LAW OFFICES OF BRONZE & TANG
A Professional Corporation

DRAFT

By: _____
JACQUES G. BRONZE
Attorneys for Defendant HSBC

LAW OFFICES OF BRONZE & TANG

A Professional Corporation
BankPacific Building, 2nd Floor
825 South Marine Corp Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 647-7671

DRAFT

Attorneys for Defendant Hongkong and Shanghai Banking Corporation, Ltd.

DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU
SADHWANI, and K. SADHWANI'S
INC., a Guam corporation,

Plaintiffs,

v.

HONGKONG AND SHANGHAI
BANKING CORPORATION, LTD.,
et al.,

Defendants.

CIVIL CASE NO. 03-00036

**EXHIBIT "1" TO LETTERS OF
REQUEST FOR THE DEPOSITION
AND PRODUCTION OF DOCUMENTS
OF HARESH MUKHI**

DEFINITIONS

1. "Documents" means the original and any non-identical copy of all "writings," "recordings," and "photographs" including, but not limited to, letters, telegraphs, cablegrams, telexes, memoranda, notes, records, reports, studies, calendars, diaries, agenda, minutes, books, pamphlets, periodicals, newspaper clippings, graphs, indexes, charts, tabulations, statistical accumulations, ledgers, financial statements, accounting entries, press releases, contracts, affidavits, transcripts, legal documents, records of meetings and conferences, records of conversations, and telephone calls, still photographs, video tapes, motion pictures, tape

Document 7

recordings, microfilms, punch cards, programs, printouts, lie detector examination records, recordings made through data processing techniques, and the written information necessary to understand and use such films and records.

2. A document "relating to" or that "relates to" any given subject means any document that in whole or in any part constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation, a document concerning the preparation of other documents.

3. The words "you," or "your," and "yours" refers to Haresh Mukhi and his predecessors, successors, assigns, agents, attorneys, directors, officers, employees, representatives, and any subsidiary or affiliated entities, and each of them.

DOCUMENTS REQUESTED

1. All documents, records, or papers in your possession, custody, or control pertaining or relating to your attempts to provide a loan or financing to K. Sadhwani's Inc..

2. All documents, records, or papers in your possession, custody, or control pertaining to your attempt to provide a loan or financing to Alan and Laju Sadhwani.

3. All documents, records, or papers in your possession, custody, or control pertaining or relating to K. Sadhwani's Inc..

4. All documents, records, or papers in your possession, custody, or control pertaining to Alan and Laju Sadhwani.

5. All documents, records, or papers in your possession, custody, or control pertaining or relating to your attempts to make loans or provide any financing to any persons or entities in Guam.

6. All documents, records, bank statements, or papers in your possession, custody, or control pertaining or relating to your cash balances or credit facilities for year 2003.

DATED: _____.

LAW OFFICES OF BRONZE & TANG
A Professional Corporation

DRAFT

By: _____
JACQUES G. BRONZE
Attorneys for Defendant HSBC

MESSAGE CONFIRMATION

JUN-30-2004 11:53 AM WED

FAX NUMBER : 6714779734
NAME : ARRIOLACOWAN&ARRIOLA

NAME/NUMBER : 6477671
PAGE : 2
START TIME : JUN-30-2004 11:51AM WED
ELAPSED TIME : 01'44"
MODE : STD ECM
RESULTS : [O.K]

6-30-04 11:53AM:PHONZE /PIPPH LAW

671 6477671

LAW OFFICES
BRONZE & TANG
A PROFESSIONAL CORPORATION
BANKPACIFIC BUILDING, 2ND FLOOR
828 SOUTH MARINE CORP DRIVE
TAMUING, GUAM 96913

TELEPHONE No.: (671) 644-8801

FACSIMILE No.: (671) 647-7671

~ ~ FACSIMILE TRANSMITTAL SHEET ~ ~

Date: June 30, 2004
To: Anita P. Arriola, Esq.
Firm: ARRIOLA, COWAN & ARRIOLA
Fax No: 477-9734
From: Jacques G. Bronze, Esq.
Subject: Sadhani, et al. v. HSEC, et al.; Civil Case No. 03-00836

6/30/04
Signatures - Please
see my revisions
on p. 4.
AmB

Sending 10 page(s) including cover sheet.

[X] Original will not follow

[] Original will follow by:

Regular Mail: _____ Other: _____

MESSAGE:

PLEASE SEE ATTACHED DOCUMENT(S) IN CONNECTION WITH THE ABOVE-REFERENCED MATTER:

Per your request, transmitted is a draft copy of the Letters of Request for Taking the Deposition and Production of Documents of Hareesh Mukhi in the United Arab Emirates for your revision. Please provide me with your revisions no later than 1:30 p.m. this afternoon. Thank you.

Fax Sent By: Tony Camacho

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE AND THE DOCUMENTS WHICH ACCOMPANY IT ARE CONFIDENTIAL COMMUNICATIONS SUBJECT TO THE ATTORNEY-CLIENT WORK PRODUCT PRIVILEGES. They are intended exclusively for the use of the addressee named above. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication or the accompanying document is strictly prohibited. If you have received this communication in error, please immediately notify the Law Offices of Bronze & Tang, P.C. by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

JUN-30-2004 11:38AM FAX:671 6477671

ID:ARRIOLACOWAN&ARRIOLA PAGE:001 R:96%

LAW OFFICES
BRONZE & TANG
A PROFESSIONAL CORPORATION
BANKPACIFIC BUILDING, 2ND FLOOR
825 SOUTH MARINE CORP DRIVE
TAMUNING, GUAM 96913

TELEPHONE No.: (671) 646-2001

FACSIMILE No.: (671) 647-7671

~ ~ **FACSIMILE TRANSMITTAL SHEET** ~ ~

Date: June 30, 2004
To: Anita P. Arriola, Esq.
Firm: ARRIOLA, COWAN & ARRIOLA
Fax No: 477-9734
From: Jacques G. Bronze, Esq.
Subject: Sadhvani, et al. v. HSBC, et al.; Civil Case No. 03-00036

Sending 3 page(s) including cover sheet.☒ Original will not follow☐ Original will follow by:

Regular Mail: _____ Other: _____

MESSAGE:

PLEASE SEE ATTACHED DOCUMENT(S) IN CONNECTION WITH THE ABOVE-REFERENCED MATTER:

Letter of even date.

Fax Sent By: Tony Camacho

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LAW OFFICES
BRONZE & TANG
A PROFESSIONAL CORPORATION
BANKPACIFIC BUILDING, 2ND FLOOR
825 SOUTH MARINE CORP DRIVE
TAMUNING, GUAM 96913

JACQUES G. BRONZE
JERRY J. TANG

TELEPHONE: (671) 646-2001
TELECOPIER: (671) 647-7671

June 30, 2004

VIA: FACSIMILE
(671) 477-9734

Anita P. Arriola, Esq.
ARRIOLA, COWAN & ARRIOLA
Suite 201, C&A Professional Bldg.
259 Martyr Street
Hagåtña, Guam 96910

Re: Sadhwani, et al. v. HSBC, et al.; District Court of Guam Civil Case No. 03-00036

Dear Anita:

I am in receipt of your revision to my proposed Letters of Request for the deposition of Mr. Haresh Mukhi. Your statement in our brief telephone conversation was that you had "no objection except for one change which was to allow you to participate telephonically." I orally agreed to allow you to revise the Letters of Request to allow you to participate telephonically, but I did not agree to the amendments relating to providing documents to you prior to the examination. That is just not feasible. Once the Court in UAE sets the date of the hearing, or orders Mr. Mukhi to report to the consulate's office at the United States Consulate in Dubai, that is the only chance we have to conduct this deposition and I may not have the opportunity to get these documents beforehand.

I am not going to be placed in a situation where Mr. Mukhi shows up with the documents, ready for the deposition only be put in a position in which the deposition cannot take place or has to be rescheduled because I have not been able to provide you such documents. The UAE Court may very well not reissue a Summons for Mr. Mukhi to return to the U.S. Consulate. I am happy to allow you to participate telephonically, however, the additional amendment is not acceptable for the above reasons.

Thus, I will be filing my *Ex Parte* Application this afternoon, which includes only that you will be allowed to participate telephonically. I will not include the additional revision, which I did not agree too.

Anita P. Arriola, Esq.
ARRIOLA, COWAN & ARRIOLA
June 30, 2004
Page 2

Please feel free to contact me if you have any questions regarding the above matter.

Best regards,



JACQUES G. BRONZE

JGB:tc

D:\CLIENTS FILES\SBC-Sadhwani\Arriola-Ltr.44 (Rev Ltr Req).doc